

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Andhra Pradesh State Judicial Service – Senior Civil Judges – Smt.Ch. Nirmala K.R.Dayavathi, formerly Senior Civil Judge, Bapatla, then II Additional Senior Civil Judge, Warangal, now under suspension – Penalty of Dismissal from service on the recommendations of High Court of Andhra Pradesh – Orders – Issued.

HOME (COURTS.C) DEPARTMENT

G.O.Ms.No. 23

Dated:09-03-2010,
Read:

From the Registrar (Vigilance), Andhra Pradesh High Court,
Hyderabad, D.O.Lr.No.356/2006- & 1870/2007 Vigilance Cell,
dated:09-07-2009.

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ORDER:

Whereas, in the letter read above, the Registrar, (Vigilance) Andhra Pradesh High Court has stated that the High Court on considering the complaint petitions dt: 07-03-2006, 15-07-2006 and 19-12-2005 from Sri G.Ramaswamy Naidu and Sri S.Nageswar Rao and Sri M. Sambasivarao and other advocates of Bapatla respectively framed the following (9) articles of Charges and on the suomotu report of the Principal District Judge, Warangal, and the complaint petition of Smt.B.Padmalatha Goud, Advocate, Warangal, dt:26-11-2007, framed the following two articles of charges against Smt. Ch. Nirmala K.R.Dayavathi, formerly Senior Civil Judge, Bapatla, Guntur District (the charged Officer) and communicated to her calling for her written statement vide High Court Proceedings in Orders R.O.C.No.356/2006-VC, dated:19-10-2006 and ROC No.1870/2007-VC, dt:24-01-2008 besides placing her under suspension vide High Court Proceedings in order ROC No. 1870/2007-VC dated:14-12-2007.

Article of Charge No.1:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, everyday except adjourning the cases listed before you, never tried the cases or heard the arguments in appeals, thus causing inconvenience to the litigant public, which act of yours if proved or established would amount to grave misconduct, judicial impropriety, negligence in discharge of judicial functions with in the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article of Charge No.2:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, used to come to the Bench after 11.00 A.M. everyday, instead of regular court timings i.e., 10.30 A.M. and never used to come to the bench after lunch every day i.e., after 2.30 p.m., that thus you flouted the Rules and Regulations of judiciary, causing inconvenience to advocates and litigant public, which act of yours if proved or established would amount to grave misconduct, within the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article of Charge No.3:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, has pronounced judgments in O.S.Nos.5/2001, As.Nos.14/2001, 93/2000 and 8/2001 on 08-11-2005, 17-04-2006, 28-11-2005 and 30-11-2005, respectively, through docket orders only, with an intention to get the required units, but you did not dictate the full text of judgments in those cases for more than two months, causing inconvenience to the parties to the suits; that thus you misconducted yourself, which act of yours if proved or established would amount to grave misconduct, judicial impropriety, negligence in discharge of judicial functions with in the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(Contid...2)

Article of Charge No.4:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, used to direct your Steno to prepare all the judgments in the cases heard by you, instead of dictating the judgments by yourself, to your Steno, that thus you abdicated your responsibilities as a Judicial Officer, which act of yours if proved or established would amount to grave misconduct, judicial impropriety, shirking of responsibilities with in the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article of Charge No.5:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, accepted Rs.15,000/- as bribe through the President, Bar Association, Bapatla, who is also acting as mediator to you and allowed AS.93/2000 on 28-11-2005 and misconducted yourself, and involved in corrupt activities, which act of yours if proved or established would amount to grave misconduct, judicial dishonesty, unbecoming of a Judicial Officer with in the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article of Charge No.6:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, used to utilize the vehicles (Jeep provided by the Police Personnel of Bapatla for coming to the Court in the morning and leaving the court in the evening to your residence; that thus you misconducted yourself, which act of yours if proved or established would amount to grave misconduct, judicial dishonesty and unbecoming of a judicial officer with in the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article of Charge No.7:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, travelled in a bus on 27-02-2006 from Bapatla with Sri Satyanarayana, Copyist of your court and a litigant Party, went to the jewellery shops at Tenali and Guntur, purchased jewels with the money of litigant party for your use and thus involved in corrupt activities, which act of yours if proved or established would amount to grave misconduct, judicial dishonesty and unbecoming of a Judicial Officer with in the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article of Charge No.8:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, used to accept house hold articles, provisions etc., for your use from your Steno, and Sri Satyanarayana, Copyist of your Court and by accepting the same you involved in corrupt activities, which act of yours if proved or established would amount to grave misconduct, judicial dishonesty and unbecoming of a Judicial Officer with in the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Article of Charge No.9:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, Bapatla, Guntur District disposed off OS.Nos.128/2004 and 65/2000 on 27-10-2005 and 29-11-2005 respectively, through docket orders only; that the respective advocates who appeared for the plaintiffs in those two cases filed copy applications No.1168/2005 and 1253/2005 on 31-10-2005 and 30-11-2005 respectively, before the office of Senior Civil Judge, Bapatla, but surprisingly the said copy applications were complied with and copies of judgments were delivered to the advocates only on 03-01-2006 and 06-01-2006 respectively, i.e., after a lapse of more than two months in one case and one month in another case, it is because, you did not dictate the full text of judgments in those cases to your Steno, but pronounced the judgments through docket orders only for getting the required units, that thus you showed lethargy, dereliction of duties and negligence in attending to official duties which act of yours if

(Contid...3)

proved or established would amount to grave misconduct, unbecoming of a Judicial Officer with in the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Additional Article of Charge No.1:

That you, Smt.Ch. Nirmala K.R.Dayavathi, Senior Civil Judge, while working as II Additional Senior Civil Judge, Warangal, passed exparte interim injunction orders in IA.No.863/2007 in OS.No. 593/2007 on 16-11-2007 and adjourned the matter to 22-12-2007; that on the same day you called Smt. Bodge Padmalatha Goud, Advocate, who is representing the plaintiff in the suit, to your chambers and demanded an amount of Rs.20,000/- from her for extending injunction order and threatened her that if the money demanded by you is not paid before 21-11-2007, the case will be dismissed on 22-11-2007; that when the said advocate expressed her inability to pay the amount as demanded by you, you intentionally kept aside the IA.No.863/2007 on 22-11-2007, during the call work and called the said advocate to your chamber and reminded her about your demand of amount of Rs.20,000/- and adjourned the said IA.No.863/2007 to 27-11-2007; that again on 26-11-2007, you sent a word to Smt. Padmalatha Goud through your typist and when she appeared before you, you detained Smt. Padmalatha Goud in your chamber inspite of feeling suffocation by her, due to advanced stage of pregnancy and that you threatened Padmalatha Goud not to complain to the District Judge against you and further threatened her that your husband is a Chief Security Officer, in High Court of A.P., and no body can do any harm to you thus, you acted in a degrading manner, which a Judicial Officer of the State Judiciary ought not to do, which acts of yours if proved or established would amount to grave misconduct, judicial dishonesty, and unbecoming of a Judicial Officer within the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

Additional Article of Charge No.2:

That you, Smt.Ch.Nirmala K.R.Dayavathi, Senior Civil Judge, while working as II Additional Senior Civil Judge, Warangal, used to leave the headquarters frequently on the guise of visiting Hyderabad and Vijayawada, Particularly on all weekend days, causing lot of inconvenience to the district administration, as well as to the other officers of your cadre, in spite of appraisal by the unit head through D.O.Letter.No.7899, dated:05-10-2007, thus you throw the norms and devotion to duty to winds, which act of yours in proved or established would amount to grave misconduct and unbecoming of a Judicial Officer within the meaning of Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

2. And whereas, on considering the written statement submitted by Smt.Ch.Nirmala K.R.Dayavathi, the charged Officer vide letter dated 17-11-2006 orders were issued vide High Court Proceedings in ROC No.356/2006-VC, dated 10-04-2007 for a regular departmental enquiry by appointing Sri Syed Anwaruddin, the then IIIrd Additional District and Sessions Judge, Guntur as inquiry officer, and Sri N. Srinivasa Rao the then II Additional Senior Civil Judge, Guntur as presenting officer to conduct regular enquiry into the nine charges framed against the Charged Officer;

3. And whereas, the Registrar (Vigilance), High Court of Andhra Pradesh, has also reported that, the Inquiry Officer has submitted his report in ROC No.356/2006 vide Letter No. Dis.4473, dated:16-10-2008, wherein the Enquiry Officer on appreciation of evidence adduced during the course of enquiry, held that the charged officer is guilty of charges 2 to 4 and 6 to 9;

4. And whereas, on careful consideration of the Enquiry report and having due regard to the evidence and circumstances appearing in the case, a show-cause notice has been issued by enclosing a copy of Enquiry Officer's report to the charged officer vide High Court Proceedings in Order ROC.No.356/2006-VC dated:04-12-2008 directing to submit her explanation on the findings recorded against her in the enquiry report and the charged officer,

(Contid...4)

submitted her explanation dt:22-01-2009. The High Court considered the entire matter together with the entire record of enquiry, the explanation of the charged officer and various averments and contentions raised by her therein and while rejecting the same, accepted the finding on charges 2 to 4 and 9 as proved against the charged officer, and disagreed with the findings recorded by the enquiry officer, in respect of charge Nos.6-8;

5. And whereas, on considering the written statement dated:05-02-2008 submitted by the Charged Officer, in respect of two charges issued vide High Court Proceedings in order ROC No. 1870/2007-VC dated:24-01-2008 a regular departmental enquiry has been ordered vide High Court Proceeding in order ROC No.1870/2007-VC, dated:19-02-2008 appointing Smt M.Vijayalakshmi, Registrar (Administration) who is also holding full additional charge of the post of District Judge (Enquiries) and Smt P.Lakshmi Saradha, Junior Civil Judge cum Presenting Officer Enquiry Cell, High Court of Andhra Pradesh to conduct the enquiry against the Charged Officer;

6. And whereas, the Enquiry Officer has submitted report on 22-12-2008 holding that the articles of charges 1 and 2 framed against the Charged Officer are proved and on careful consideration of the enquiry report and having due regard to the evidence and circumstances appearing in the case, a show-cause notice has been issued to the Charged Officer, by enclosing the Enquiry Officer's report vide High Court Proceedings in order ROC.No.1870/2007-VC, dated:29-01-2009 and the Charged Officer submitted her explanation on 07-03-2009. The High Court considered the entire record of enquiry, the explanation of the Charged Officer and various averments and contentions raised therein and while rejecting the same, accepted the findings of the Enquiry Officer;

7. And whereas, keeping in view of the gravity of the charges held proved against the charged officer in the two enquiry reports, the High Court of Andhra Pradesh decided to recommend to the Government of Andhra Pradesh to impose upon the penalty of "dismissal" from Service on Smt.Ch. Nirmala K.R.Dayavathi, formerly Senior Civil Judge, Bapatla, the then II Additional Senior Civil Judge, Warangal, now under suspension, and recommended accordingly in the letter dated:09-07-2007;

8. Now therefore, the Government after careful examination of the material and considering the recommendation of the High Court of Andhra Pradesh and in exercise of the powers conferred under clause (X) of rule 9 read with sub-rule (1) of rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeals) Rules 1991, hereby decided to impose the penalty of "Dismissal from Service" upon Smt.Ch. Nirmala K.R.Dayavathi, formerly Senior Civil Judge, Bapatla, the then II Additional Senior Civil Judge, Warangal, now under suspension.

9. Accordingly, the following notification shall be published in the Extraordinary Issue of Andhra Pradesh Gazette, dated:11-03-2010.

NOTIFICATION

Under clause (X) of rule 9 read with sub-rule (1) of rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, the Governor of Andhra Pradesh on the recommendation of the High Court of Andhra Pradesh hereby impose the penalty of "Dismissal from Service" upon Smt.Ch. Nirmala K.R.Dayavathi, formerly Senior Civil Judge, Bapatla, the then II Additional Senior Civil Judge, Warangal, now under suspension, with immediate effect.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. RAMACHANDRA REDDY,
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE.

To
The Registrar (Vigilance), High Court of Andhra Pradesh, Hyderabad.

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The Individual through the Registrar (Vigilance), Andhra Pradesh,
High Court, Hyderabad.

The Commissioner Printing, Stationery and Stores Purchases
(Publication wing) 2 copies for publication in the A.P., Gazette.

The Secretary, Andhra Pradesh Public Service Commission, Hyderabad.

The Accountant General of Andhra Pradesh , Hyderabad.

The Director of Treasuries and Accounts, Hyderabad.

The District Treasury Officer, Guntur District.

Copy to:

The P.S. to Principal Secretary to Chief Minister.

The P.S. to Minister (Law & Courts).

The P.S. to Secretary (LA&J) Department.

The Law (E) Department.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER